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\*\*E-filed 10/6/06\*\*

Attorneys for Individual Defendants FRED D. ANDERSON,  
 WILLIAM V. CAMPBELL, MILLARD S. DREXLER, STEVI  
 P. JOBS, ARTHUR D. LEVINSON, JEROME B. YORK,  
 TIMOTHY D. COOK, AVADIS TEVANIAN, JR., JONATHA  
 RUBINSTEIN, RONALD B. JOHNSON, PETER  
 OPPENHEIMER, MITCHELL MANDICH, ROBERT M.  
 CALDERONI, JAMES J. BUCKLEY, DANIEL L. EILERS, G  
 FREDERICK FORSYTH and Nominal Defendant APPLE  
 COMPUTER, INC.

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE DIVISION**

PIRELLI ARMSTRONG TIRE CORPORATION  
 RETIREE MEDICAL BENEFITS TRUST,  
 Derivatively on Behalf  
 of APPLE COMPUTER, INC.,  
 Plaintiff,

v.

FRED D. ANDERSON, WILLIAM V.  
 CAMPBELL, MILLARD S. DREXLER, STEVEN  
 P. JOBS, ARTHUR D. LEVINSON, JEROME B.  
 YORK, TIMOTHY D. COOK, AVADIS  
 TEVANIAN, JR., JONATHAN RUBINSTEIN,  
 RONALD B. JOHNSON, PETER OPPENHEIMER,  
 MITCHELL MANDICH, ROBERT M.  
 CALDERONI, JAMES J. BUCKLEY, DANIEL L.  
 EILERS and G. FREDERICK FORSYTH,

Defendants,

- and -

APPLE COMPUTER, INC.,

Nominal Defendant.

Case No. 5:06-cv-04493-JF

**FURTHER STIPULATION AND  
~~PROPOSED~~ ORDER  
 EXTENDING TIME FOR  
 DEFENDANTS TO RESPOND TO  
 COMPLAINT**

1 IT IS HEREBY STIPULATED by and between Plaintiff Pirelli Armstrong Tire  
2 Corporation Retiree Medical Benefits Trust ("Pirelli Armstrong") and Individual Defendants Fred  
3 D. Anderson, William V. Campbell, Millard S. Drexler, Steven P. Jobs, Arthur D. Levinson,  
4 Jerome B. York, Timothy D. Cook, Avadis Tevanian, Jr., Jonathan Rubinstein, Ronald B.  
5 Johnson, Peter Oppenheimer, Mitchell Mandich, Robert M. Calderoni, James J. Buckley, Daniel  
6 L. Eilers and G. Frederick Forsyth and Nominal Defendant Apple Computer, Inc. ("Defendants")  
7 as follows:

8 WHEREAS, Pirelli Armstrong filed its Complaint against Defendants on July 24, 2006,  
9 and served it on July 27, 2006;

10 WHEREAS, Defendants are currently scheduled to respond to Pirelli Armstrong's  
11 Complaint by October 6, 2006;

12 WHEREAS, counsel are engaged in discussing the possibility of consolidation of this  
13 matter with related cases and/or the subsequent filing of a consolidated complaint;

14 WHEREAS, the undersigned parties wish to further judicial efficiency by deferring  
15 responsive pleadings until such time as consolidation issues are addressed;

16 NOW, THEREFORE, pursuant to Local Rule 6-1, the undersigned parties hereby stipulate  
17 as follows:

18 All defendants who have been served to date, and all defendants who shall subsequently  
19 accept service and request to be covered by this stipulation, shall have a further extension of time  
20 to answer or otherwise respond to 30 days after the filing of a consolidated complaint, or in the  
21 event that the Court denies the forthcoming motion for consolidation, the above-described  
22 defendants shall answer or otherwise respond to Pirelli Armstrong's Complaint no later than 30  
23 days after such denial.

24 IT IS SO STIPULATED.  
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1 Dated: October 4, 2006

GEORGE A. RILEY  
DAVID M. FURBUSH  
LUANN L. SIMMONS  
O'MELVENY & MYERS LLP

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5 By: /s/ Luann L. Simmons  
Luann L. Simmons

6 Attorneys for Individual Defendants  
7 FRED D. ANDERSON, WILLIAM V.  
8 CAMPBELL, MILLARD S. DREXLER,  
9 STEVEN P. JOBS, ARTHUR D. LEVINSON,  
10 JEROME B. YORK, TIMOTHY D. COOK,  
11 AVADIS TEVANIAN, JR., JONATHAN  
12 RUBINSTEIN, RONALD B. JOHNSON,  
13 PETER OPPENHEIMER, MITCHELL  
14 MANDICH, ROBERT M. CALDERONI,  
15 JAMES J. BUCKLEY, DANIEL L. EILERS,  
16 G. FREDERICK FORSYTH, and Nominal  
17 Defendant APPLE COMPUTER, INC.

13 Dated: October 4, 2006

14 TRAVIS E. DOWNS III  
15 BENNY C. GOODMAN III  
16 SHAWN A. WILLIAMS  
17 MONIQUE C. WINKLER  
18 MARIA V. MORRIS  
19 THOMAS G. WILHELM  
20 LERACH COUGLIN STOIA GELLER  
21 RUDMAN & ROBBINS LLP

22 By: /s/ Monique C. Winkler  
23 Monique C. Winkler

24 Attorneys for Plaintiff  
25 PIRELLI ARMSTRONG TIRE  
26 CORPORATION RETIREE MEDICAL  
27 BENEFITS TRUST  
28

**CERTIFICATION OF CONCURRENCE**

25 I attest under penalty of perjury that concurrence in the filing of this document has been  
26 obtained from Monique C. Winkler.

1 Dated: October 4, 2006

GEORGE A. RILEY  
DAVID M. FURBUSH  
LUANN L. SIMMONS  
O'MELVENY & MYERS LLP

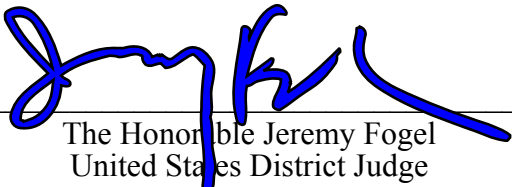
2  
3  
4  
5 By: /s/ Luann L. Simmons  
Luann L. Simmons

6 Attorneys for Individual Defendants STEVEN  
7 P. JOBS, FRED D. ANDERSON, WILLIAM  
8 V. CAMPBELL, MILLARD S. DREXLER,  
9 ALBERT A. GORE, JR., ARTHUR D.  
10 LEVINSON, JEROME B. YORK,  
11 JONATHAN RUBINSTEIN, TIMOTHY D.  
12 COOK, AVADIS TEVANI, JR.,  
13 GUERRINO DE LUCA, ROBERT  
14 CALDERONI, and MITCHELL MANDICH,  
15 and Nominal Defendant APPLE COMPUTER,  
16 INC.

17  
18 **[PROPOSED] ORDER**

19 Pursuant to stipulation, IT IS SO ORDERED.

20 Dated: 10/6/06

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The Honorable Jeremy Fogel  
United States District Judge

MP1:987007.1